MT LEGISLATIVE HISTORY

Chapter 681 1983

Bill (H) 606 S _____ Original bill & hist. ✓ C

H. Committee on Hwys & Transp			S. Committee on Hwys & Transp		
Hearing Date(s)	FEB 8	✓ C	Hearing Date(s)	MAR 10	✓ C
	FEB 10	✓ C		MAR 15	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	FEB 10	✓ C		MAR 15	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Highways and Transportation.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
February 11, 1983	Bill printed and placed on members' desks.
February 12, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Highways and Transportation.
March 16, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 18, 1983	Second reading, concurred in.
	Segregated.
March 19, 1983	Second reading, pass consideration.
March 21, 1983	Second reading, concurred in as amended.

March 23, 1983	On motion taken from third reading and referred to second reading.
	Second reading, concurred in as amended.
March 25, 1983	Third reading, concurred in. Ayes, 36; Noes, 13.

IN THE HOUSE

March 25, 1983	Returned to House with amendments.
March 31, 1983	Second reading, amendments not concurred in.
	On motion, Conference Committee requested and appointed.
April 14, 1983	Conference Committee reported.
April 15, 1983	Second reading, report rejected.
	On motion, Free Conference Committee requested and appointed.
April 19, 1983	Free Conference Committee reported.
April 20, 1983	Second reading, Free Conference Committee report adopted.
	Third reading, Free Conference Committee report adopted.
April 21, 1983	Free Conference Committee report adopted by Senate.
	Sent to enrolling.
	Reported correctly enrolled.

~~Lange~~ House BILL NO. 606

INTRODUCED BY KOEHNKE Broad O'Connell Peck Pistoria Hager Yardley

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-304, MCA, is amended to read:

"61-8-304. ~~Declaration--of~~ Fuel conservation speed ~~limits~~ limit — exception to the basic rule. ~~The--attorney general--shall--declare--by--proclamation--filed--with--the secretary-of-state-a-speed-limit-for-all-motor--vehicles--on all--public--streets--and-highways-in-the-state-whenever-the establishment-of-such-a-speed-limit-by-the-state-is-required by-federal-law-as-a--condition--to--the--state's--continuing eligibility--to--receive-funds-authorized-by-the-Federal-Aid Highway-Act-of-1973-and-all-acts-amendatory-thereto--or--any other--federal-statute.-The-speed-limit-may-not-be-less-than that-required-by-federal-law,-and-the-attorney-general-shall by-further--proclamation--change--the--speed--limit--adopted pursuant--to--this--section--to-comply-with-federal-laws-Any proclamation--issued--pursuant--to--this--section--becomes effective-at-midnight-of-the-day-upon-which-it-is-filed-with the--secretary-of-state.~~ (1) In order to insure conservation of a resource currently in short supply, the speed limit for vehicles traveling on a public highway of this state is 55 miles an hour, except as provided under 61-8-309, unless the provisions of Chapter 122, Laws of 1977, become effective.

(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

(3) The enforcement of the fuel conservation speed limit set under this section is limited to the jurisdiction of the state highway patrol."

Section 2. Section 61-8-305, MCA, is amended to read:

"61-8-305. Applicability of conservation speed limit ~~--administrative-procedure--act--not--applicable.~~ (1) The provisions of 61-8-304 shall not apply to those public streets and highways for which a speed limit lower than that required by federal law was applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance, regulation, or order.

~~(2)--The---attorney---general---shall---terminate----by proclamation--any--speed--limit--proclaimed--under--61-8-304~~

~~whenever such a speed limit is no longer required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highway Act of 1973 and all acts amendatory thereto or by any other federal statute.~~

~~(3) The establishment of a speed limit pursuant to 61-8-304 shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act.~~

(2) The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5.

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set

forth in 3-10-603(3).

(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

NEW SECTION. Section 4. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. Effective date. This act is effective on passage and approval.

-End-

Approved by Committee
on Highways & Transportation

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; ~~LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;~~ CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF 1977; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-304, MCA, is amended to read:

"61-8-304. ~~Declaration of~~ Fuel conservation speed ~~limits~~ limit -- exception to the basic rule. ~~The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on all public streets and highways in the state whenever the establishment of such a speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or any other federal statutes. The speed limit may not be less than that required by federal law and the attorney general shall by further proclamation change the speed limit adopted pursuant to this section to comply with federal law. Any proclamation issued pursuant to this section becomes effective at midnight of the day upon which it is filed with the secretary of state.~~ (1) In order to insure conservation of a resource currently in short supply, the speed limit for vehicles traveling on a public highway of this state is 55 miles an hour, except as provided under 61-8-303, unless the provisions of Chapter 122, Laws of 1977, become effective.

(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed limit set under this section is limited to the jurisdiction of the state highway patrol.~~"

Section 2. Section 61-8-305, MCA, is amended to read:

"61-8-305. Applicability of conservation speed limit ~~administrative procedure act not applicable~~. (1) The provisions of 61-8-304 shall not apply to those public streets and highways for which a speed limit lower than that required by federal law was applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance, regulation, or order.

SECOND READING

~~(2)--The----attorney---general---shall---terminate---by proclamation--any--speed--limit--proclaimed--under--61-8-304 whenever-such-a-speed-limit-is-no-longer-required-by-federal law--as-a-condition-to-the-state's-continuing-eligibility-to receive-funds-authorized-by-the-Federal-Aid-Highway--Act--of 1973-and-all-acts-amendatory-thereto-or-by-any-other-federal statute.~~

~~(3)--The--establishment--of--a--speed-limit-pursuant-to 61-8-304--shall--not--be--subject--to--the--provisions---and requirements-of-the-Montana-Administrative-Procedure-Act.~~

(2) The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5.

(2) For the purpose of this section only, the fees of

the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

SECTION 4. REPEALER. CHAPTER 122, LAWS OF 1977, IS REPEALED.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; ~~LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL~~; CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF 1973; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed limit set under this section is limited to the jurisdiction of the state highway patrol.~~"

Section 2. Section 61-8-305, MCA, is amended to read:

"61-8-305. Applicability of conservation speed limit ~~administrative procedure act not applicable~~. (1) The provisions of 61-8-304 shall not apply to those public streets and highways for which a speed limit lower than that required by federal law was applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance, regulation, or order.

THIRD READING

~~(2)--The----attorney---general---shall---terminate---by proclamation--any--speed--limit--proclaimed--under--61-8-304 whenever-such-a-speed-limit-is-no-longer-required-by-federal law--as-a-condition-to-the-state's-continuing-eligibility-to receive-funds-authorized-by-the-Federal-Aid-Highway--Act--of 1973-and-all-acts-amendatory-thereto-or-by-any-other-federal statute.~~

~~(3)--The--establishment--of--a--speed-limit-pursuant-to 61-8-304--shall--not--be--subject--to--the--provisions---and requirements-of-the-Montana-Administrative-Procedure-Act.~~

(2) The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-716, MCA, is amended to read:

"61-8-716. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5.

(2) For the purpose of this section only, the fees of

the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

SECTION 4. REPEALER. CHAPTER 122, LAWS OF 1977, IS REPEALED.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

March 16, 1983

SENATE STANDING COMMITTEE REPORT
(Highways & Transportation)

That House Bill No. 606 be amended as follows:

1. Title, line 7.
Following: "PERSONNEL;"
Insert: "LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;"

2. Page 2, line 6.
Strike: "currently in short supply"

3. Page 2, following line 17.
Insert: "(3) The enforcement of the speed limit set under this section is limited to the jurisdiction of the state highway patrol."

4. Page 3, line 22.
Strike: "currently in short supply"

5. Page 3, line 24.
Following: "$5."
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35."

March 21, 1983

COMMITTEE OF THE WHOLE AMENDMENT

That House Bill 606, Second Reading and Senate Standing Committee Report (Highways & Transportation) dated March 16, 1983 be amended as follows:

1. Strike: Amendment 1 and 3 in their entirety.

2. Strike: Amendment 5 in its entirety.

March 21, 1983

COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 606 be amended as follows:

1. Page 3, line 24.
Following: "$5."
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35."

A person who violates the speed limit under 61-8-304 by driving more than 65 miles an hour during nighttime hours on completed sections of the interstate highway is guilty of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35."

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; ~~LIMITING ENFORCEMENT TO HIGHWAY PATROL--PERSONNEL;~~ ~~LIMITING ENFORCEMENT--TO--HIGHWAY PATROL--PERSONNEL;~~ CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF 1973; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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March 23, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

Third House Bill No. 606 be amended as follows:

1. Page 2, line 14.
Following: line 14
Insert: "(3) Provided however, any person who operates a truck, truck tractor, motor driven cycle or a vehicle towing a housetrailer in violation of 61-8-312 shall be subject to the penalties provided for in 61-8-711."

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; ~~LIMITING ENFORCEMENT TO HIGHWAY PATROL--PERSONNEL;~~ ~~LIMITING~~ LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF 1977; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

~~(3)--The-enforcement-of--the--fuel--conservation--speed limit--set-under-this-section-is-limited-to-the-jurisdiction of-the-state-highway-patrol.~~

~~(4)--THE-ENFORCEMENT-OF--THE--FUEL--CONSERVATION--SPEED LIMIT--SET-UNDER-THIS-SECTION-IS-LIMITED-TO-THE-JURISDICTION OF-THE-STATE-HIGHWAY-PATROL."~~

Section 2. Section 61-8-305, MCA, is amended to read:

"61-8-305. Applicability of conservation speed limit ~~---administrative-procedure--act--not--applicable.~~ (1) The provisions of 61-8-304 shall not apply to those public streets and highways for which a speed limit lower than that

REFERENCE BILL

required by federal law was applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance, regulation, or order.

~~(2)--The---attorney---general---shall---terminate----by proclamation--any--speed--limit--proclaimed--under--61-8-304 whenever-such-a-speed-limit-is-no-longer-required-by-federal law-as-a-condition-to-the-state's-continuing-eligibility--to receive--funds--authorized-by-the-Federal-Aid-Highway-Act-of 1973-and-all-acts-amendatory-thereto-or-by-any-other-federal statute.~~

~~(3)--The-establishment-of-a--speed--limit--pursuant--to 61-8-304---shall--not--be--subject--to--the--provisions--and requirements-of-the-Montana-Administrative-Procedure-Act.~~

(2) The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource ~~currently--in--short--supply~~ and upon

conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5. ~~A--PERSON--WHO VIOLATES-THE-SPEED-LIMIT-UNDER-61-8-304-BY-DRIVING-MORE-THAN 75--MILES-AN-HOUR-DURING-DAYTIME-HOURS-OR-MORE-THAN-65-MILES AN-HOUR-DURING-NIGHTTIME-HOURS-IS-GUILTY-OF-THE--OFFENSE--OF AGGRAVATED--WASTE--OF--A-RESOURCE-AND-SHALL--BE-FINED-$35.-IN LIEU-OF-THE-FINE-OF-$5.-AND-BOND-FOR-THIS-OFFENSE--SHALL--BE $35.~~ A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY DRIVING MORE THAN 75 MILES AN HOUR DURING DAYTIME HOURS IS GUILTY OF THE OFFENSE OF AGGRAVATED WASTE OF A RESOURCE AND SHALL BE FINED $35. IN LIEU OF THE FINE OF $5. AND BOND FOR THIS OFFENSE SHALL BE $35. A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY DRIVING MORE THAN 65 MILES AN HOUR DURING NIGHTTIME HOURS ON COMPLETED SECTIONS OF THE INTERSTATE HIGHWAY IS GUILTY OF AGGRAVATED WASTE OF A RESOURCE AND SHALL BE FINED $35. IN LIEU OF THE FINE OF $5. AND BOND FOR THIS OFFENSE SHALL BE $35.

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

~~(3)--A--violation--of--61-8-304--is--not--a-misdemeanor pursuant-to-45-2-101,-61-8-104,-or-61-8-711.~~"

~~SECTION-4.--REPEALER.--CHAPTER-122,-LAWS--OF--1977,--IS REPEALED.~~

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; ~~LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;~~ ~~LIMITING~~ ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF 1977; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed limit set under this section is limited to the jurisdiction of the state highway patrol.~~

~~(4) THE ENFORCEMENT OF THE FUEL CONSERVATION SPEED LIMIT SET UNDER THIS SECTION IS LIMITED TO THE JURISDICTION OF THE STATE HIGHWAY PATROL.~~

~~(5)~~ PROVIDED, HOWEVER, ANY PERSON WHO OPERATES A TRUCK, TRUCK TRACTOR, MOTOR-DRIVEN CYCLE OR A VEHICLE TOWING A HOUSETRAILER IN VIOLATION OF 61-8-312 SHALL BE SUBJECT TO THE PENALTIES PROVIDED FOR IN 61-8-711."

Section 2. Section 61-8-305, MCA, is amended to read:

REFERENCE BILL

With Amendments

"61-8-305. Applicability of conservation speed limit ---administrative-procedure--act--not--applicable. (1) The provisions of 61-8-304 shall not apply to those public streets and highways for which a speed limit lower than that required by federal law was applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance, regulation, or order.

(2)--The---attorney---general---shall---terminate----by proclamation--any--speed--limit--proclaimed--under--61-8-304 whenever-such-a-speed-limit-is-no-longer-required-by-federal law-as-a-condition-to-the-state's-continuing-eligibility--to receive--funds--authorized-by-the-Federal-Aid-Highway-Act-of 1973-and-all-acts-amendatory-thereto-or-by-any-other-federal statute.

(3)--The-establishment-of-a--speed--limit--pursuant--to 61-8-304---shall--not--be--subject--to--the--provisions--and requirements-of-the-Montana-Administrative-Procedure-Act.

(2) The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently--in--short--supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5. A--PERSON--WHO VIOLATES-THE-SPEED-LIMIT-UNDER-61-8-304-BY-DRIVING-MORE-THAN 15--MILES-AN-HOUR-DURING-DAYTIME-HOURS-OR-MORE-THAN-65-MILES AN-HOUR-DURING-NIGHTTIME-HOURS-IS-GUILTY-OF-THE--OFFENSE--OF AGGRAVATED--WASTE--OF--A-RESOURCE-AND-SHALL-BE-FINED-$25,-IN LIEU-OF-THE-FINE-OF-$5,-AND-BOND-FOR-THIS-OFFENSE--SHALL--BE $25. A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY DRIVING MORE THAN 15 MILES AN HOUR DURING DAYTIME HOURS IS GUILTY OF THE OFFENSE OF AGGRAVATED WASTE OF A RESOURCE AND SHALL BE FINED $25, IN LIEU OF THE FINE OF $5, AND BOND FOR THIS OFFENSE SHALL BE $25. A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY DRIVING MORE THAN 45 MILES AN HOUR DURING NIGHTTIME HOURS ON COMPLETED SECTIONS OF THE INTERSTATE HIGHWAY IS GUILTY OF AGGRAVATED WASTE OF A RESOURCE AND SHALL BE FINED $25, IN LIEU OF THE FINE OF $5, AND BOND FOR THIS OFFENSE SHALL BE $25.

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

SECTION 4. REPEALER. CHAPTER 122, LAWS OF 1977, IS REPEALED.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

STATE PUBLISHING CO. HELENA, MONTANA

April 12 19 83

CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 606
(Report No. 1, April 12, 1983)

Mr. Speaker:

We, your Conference Committee on House Bill No. 606, met on April 12, 1983, and considered;

1. Senate Highways and Transportation Committee Amendments to the third reading copy dated March 16, 1983, and

2. Senate Committee of the Whole Amendments to the third reading copy, dated March 21, 1983, and

3. Senate Committee of the Whole Amendments dated March 23, 1983, and recommend as follows.

We recommend that:

1. The House accede to the Senate Amendments.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

No changes from reference copy.

FOR THE HOUSE:

FRANCIS KOEHNKE, CHAIR

JOE HAMMOND

RAY JENSEN

FOR THE SENATE:

JAMES SHAW, CHAIR

KERMIT DANIELS

DELWYN GAGE

April 18, 1983

19

FREE CONFERENCE COMMITTEE REPORT
on House Bill No. 606

(Report No. 1, April 18, 1983)

Mr. Speaker:

We, your Free Conference Committee on House Bill 606, met and considered:

1. House Bill 606, third reading copy (Blue); and

2. Senate Highways and Transportation Committee Amendments to third reading copy dated March 16, 1983; and

3. Senate Committee of the Whole Amendments to the third reading copy, dated March 21, 1983; and

4. Senate Committee of the Whole Amendments dated March 23, 1983, and recommend as follows.

We recommend that:

The House accede to Senate Highways and Transportation Committee Amendments 2 and 4; and

The Senate recede from amendments 1, 3, and 5;

The Senate recede from all Senate Committee of the Whole Amendments dated March 21, and March 23, 1983.

House Bill 606 be further amended as specified in Clerical Instructions 1 and 2; and

This Free Conference Committee report be adopted.

.....

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON, SECOND PRINTING)

1. Page 2, line 21
Strike: Subsection (3) in its entirety

2. Page 4, line 12
Following: "$35"
Strike: remainder of line 12 through line 21 in their entirety

FOR THE HOUSE

FOR THE SENATE

DOEHNKE, CHAIR

LEE, CHAIR

RAYMOND

ETCHART

JENSEN

BLAYLOCK, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; ~~LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;~~ CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF 1977; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-304, MCA, is amended to read:

"61-8-304. ~~Declaration of~~ Fuel conservation speed ~~limits~~ limit -- exception to the basic rule. ~~The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on all public streets and highways in the state whenever the establishment of such a speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or any other federal statute. The speed limit may not be less than that required by federal law and the attorney general shall by further proclamation change the speed limit adopted pursuant to this section to comply with federal laws. Any proclamation issued pursuant to this section becomes effective at midnight of the day upon which it is filed with the secretary of state.~~ (1) In order to insure conservation of a resource currently in short supply, the speed limit for vehicles traveling on a public highway of this state is 55 miles an hour, except as provided under 61-8-309, unless the provisions of Chapter 122, Laws of 1977, become effective.

(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed limit set under this section is limited to the jurisdiction of the state highway patrol.~~

~~(3) THE ENFORCEMENT OF THE FUEL CONSERVATION SPEED LIMIT SET UNDER THIS SECTION IS LIMITED TO THE JURISDICTION OF THE STATE HIGHWAY PATROL.~~

~~(3) PROVIDED, HOWEVER, ANY PERSON WHO APPEARS A TRUE BELIEF THAT A VEHICLE OR A VEHICLE COMBINATION OF WHICH HE IS OPERATOR IS EXEMPT FROM THE PENALTIES PROVIDED FOR IN 61-8-711"~~

Section 2. Section 61-8-305, MCA, is amended to read:

REFERENCE BILL: Includes Free Joint Conference Committee Report Dated 4-18-83

"61-8-305. Applicability of conservation speed limit ~~---administrative-procedure--act--not--applicable.~~ (1) The provisions of 61-8-304 shall not apply to those public streets and highways for which a speed limit lower than that required by federal law was applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance, regulation, or order.

~~(2)--The---attorney---general---shall---terminate----by proclamation--any--speed--limit--proclaimed--under--61-8-304 whenever-such-a-speed-limit-is-no-longer-required-by-federal law-as-a-condition-to-the-state's-continuing-eligibility--to receive--funds--authorized-by-the-Federal-Aid-Highway-Act-of 1973-and-all-acts-amendatory-thereto-or-by-any-other-federal statute.~~

~~(3)--The-establishment-of-a--speed--limit--pursuant--to 61-8-304---shall--not--be--subject--to--the--provisions--and requirements-of-the-Montana-Administrative-Procedure-Act.~~

(2) The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource ~~currently--in--short--supply~~ and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5. ~~A--PERSON--WHO VIOLATES-THE-SPEED-LIMIT-UNDER-61-8-304-BY-DRIVING-MORE-THAN 75--MILES-AN-HOUR-DURING-DAYTIME-HOURS-OR-MORE-THAN-65-MILES AN-HOUR-DURING-NIGHTTIME-HOURS-IS-GUILTY-OF-THE--OFFENSE--OF AGGRAVATED--WASTE--OF--A-RESOURCE-AND-SHALL-BE-FINED-$35-IN LIEU-OF-THE-FINE-OF-$5-AND-SOUND-FOR-THIS-OFFENSE---SHALL---BE $35. A-PERSON-WHO-VIOLATES-THE-SPEED-LIMIT-UNDER-61-8-304-BY DRIVING--MORE--THAN-75-MILES-AN-HOUR-DURING-DAYTIME-HOURS-IS GUILTY-OF-THE-OFFENSE-OF-AGGRAVATED-WASTE-OF-A-RESOURCE--AND SHALL--BE-FINED-$35-IN-LIEU-OF-THE-FINE-OF-$5-AND-SOUND-FOR THIS-OFFENSE-SHALL-BE-$35.--A-PERSON-WHO-VIOLATES-THE--SPEED LIMIT--UNDER--61-8-304-BY-DRIVING-MORE-THAN-65-MILES-AN-HOUR DURING--NIGHTTIME--HOURS--OR--COMPLETED--SECTIONS----OF----THE INTERSTATE--HIGHWAY--IS--GUILTY--OF--AGGRAVATED--WASTE--OF-A RESOURCE-AND-SHALL-BE-FINED-$35-IN-LIEU-OF-THE-FINE-OF--$5 AND-SOUND-FOR-THIS-OFFENSE-SHALL-BE-$35.~~

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

SECTION 4. REPEALER. CHAPTER 122, LAWS OF 1977, IS REPEALED.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

STATUS SHEET

HIGHWAYS AND TRANSPORTATION COMMITTEE

48th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB606	To establish the 55 mph speed limit by legislative enactment; limiting enforcement to Highway Patrol; a violation is not a misdemeanor	2/1/83	Koehnke	2/8/83	DO PASS	2/10/83
HB 636	Requires a pilot to file a flight plan on certain VFR flights; providing rulemaking authority to Dept. of Com.	2/4	Peck	2/15	DO PASS AS AMENDED	2/19
HB 669	Require the filing of records of mobile home ownership in the same manner as those of motor vehicles; notification of intent of transfer of title	2/7	Zabrocki	2/15	TABLED	2/15
HB 698	Making the Highway Patrol responsible for and revising rules for safety inspections of trucks based in Montana	2/9	Stobie	2/15	DO PASS AS AMENDED	2/15
HB 703	To provide that rear bumper height of passenger vehicles and pickups be no more than 19 inches above the road surface	2/9	Saunders	2/15	DO NOT PASS	2/15
HB 776	To reestablish the Board of Aeronautics under existing statutory authority & rules & change the qualifications for membership on the Board	2/11	Shontz	2/17	DO PASS AS AMENDED	2/17

orm CS-32
-81

HOUSE BILL 606. REP. FRANCIS KOEHNKE, District 45, Townsend, testified as chief sponsor of the bill, advising committee members of the Supreme Court decision made October 22, 1981, which held existing Montana statute on the 55mph speed limit to be unconstitutional. He said Montana law allowed its Attorney General to set a speed limit no less than the federally mandated speed limit and expalined subsection (2) is an automatic repealer, while subsection (3) clarifies a conflict in Sections 104 and 107 of the conservation law, (exhibit).

PROPONENTS

MR. MIKE KOEHNKE, Townsend, told committee members the State of Washington began a petition to change its speed limit, adding most traffic in Idaho, Montana and Oregon moves faster than 55mph, according to patrolmen. He provided committee members with an explanation of Chapter 122, which allows the Governor to set a 65mph speed limit, if federal funds are not affected and said he questions limiting authority to the Montana Highway Patrol. He advised the issue is a policy decision with which the Legislature can deal and told committee members it is necessary to determine whether or not speed in excess of 55mph is a misdemeanor, adding increased interest in the speed limit is creating pressure on the national level to change the statutes. Mr. Koehnke said the interstate system is constructed for speeds of 70mph, except where otherwise posted.

MR. GARY WICKS, Director, Department of Highways, told the Committee House Bill 484 would accomplish the same goal in a clearer manner, adding he did not oppose House Bill 606. He said he questioned limiting jurisdiction to the Montana Highway Patrol and it doesn't have the manpower and relies on other law enforcement personnel for assistance, adding he foresees administrative problems with language on page 2, line 6 of the bill, which would become effective if the federal government no longer provided aid on the basis of the 55mph limit. Mr. Wicks said the matter should be addressed in the appropriate section and told the Committee he would support the bill, if Montana Highway Patrol jurisdiction and the other problems he mentioned were corrected.

WITNESS STATEMENT

NAME jim beck BILL No. 606

ADDRESS Helena DATE 2-8-83

WHOM DO YOU REPRESENT Dept of Highways

SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

WITNESS STATEMENT

NAME Sarah Power BILL No. 606

ADDRESS Atty General's Office DATE 2/8/83

WHOM DO YOU REPRESENT "

SUPPORT _____ OPPOSE X AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

FORM CS-34
1-81

2-8-83
EX
Rep Koehnke
HB606

Summary of MCA Sections on Speed Limits

MCA 61-8-303. Speed restrictions - basic rule.(1955)

(1) "drive in a careful and prudent manner" "no greater than is reasonable and proper under the conditions"

(2) "but a speed in excess of those limits is unlawful"
   (a) "25 MPH in an urban district"
   (b) "35 MPH on a highway under construction"
   (c) "55 MPH ... during nighttime, except...on completed sections of interstate highways is 65 MPH"

61-8-304. (Conservation speed limit) - execption to basic rule.(1974)
- 55 MPH on all highways, day and night

61-8-309. Establishment of special speed zones.(1955)
"the department of highways determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions"..."the commission may set a reasonable and safe special speed limit...."

61-8-310. When local authorities may and shall alter limits.(1955)
- general authority is given to local jurisdictions to set a reasonable and safe speed limits at intersections, within urban districts, outside urban districts to be effective at all times, except upon all federal-aid highways in urban areas.is reserved to state commission.

61-8-312. Special speed limits on trucks, truck tractors, motor-driven cycles, and vehicles towing housetrailers.(1955)

(1) "GVW 8,000 lbs. at a speed of 65 MPH on completed sections of the interstate and four-lane divided highways and 60 MPH ...on primary and secondary highways. However, the truck nighttime speed limit shall not exceed that of automobiles as stated in 61-8-303." (55 MPH on noninterstate.)

61-8-313. Special speed limits.(1955)

(1) - 10 MPH for vehicle with solid rubber or cushion tires.

(2) - safe speed over bridges and other elevated structures as posted.

Chapter 122, Laws of 1977.

(1) - Provides for a 65 MPH conservation speed limit unless otherwise limited by the basic rule (61-8-303). This would only replace the existing 55 MPH limit; nothing else.

(2) - Effective date: Governor is to issue a declaration to implementing the provision when it will not jeoparadize the state's continued eligibility to receive federal-aid highway funds. Effective upon issusing the proclaration.

MCA 61-8-711. Violation of chapter - penalty.

(1) "It is a misdemeanor for any person to violate any of the provisions of this chapter (Chapter 8, Traffic Regulations) unless the violation is ...a felony...."

(2) "a first conviction...punished by a fine of not less than $10 or more than $100 or by imprisonment for not more than 10 days. "(S)econd conviction within 1 year... punished by a fine of not less than $25 or more than $200 or imprisonment for not more than 20 days or by both...." "(T)hird or subsequen convictions within 1 year after the first conviction...shall be punished by a fine of not less than $50 or more than $500 or by imprisonment for not more than 6 months or by both...."

" 61-8-718. Penalty for violation of conservation speed limit.

(1) "A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and on jail sentence may be imposed. Bond for this offence shall be $5."

California pushes faster speed limit

55-mph exemptions sought

MICHAEL F. CONLAN
Newhouse News Service

WASHINGTON — The federal government will examine a proposal that would exempt some roads from the national 55-mph speed limit, which has been credited with saving thousands of lives and billions of gallons of fuel since its imposition nine years ago.

The Transportation Department will review a plan that now is being developed by California officials, according to Raymond Peck Jr., director of the National Highway Traffic Safety Administration.

Under the proposal as currently envisioned, a state would apply to the federal government for permission to raise the speed limit selectively on certain sections of highway or for certain types or traffic or, perhaps, at certain times of day. A state would make its case based on accident statistics and design specifications of the highway.

"There are roadways which by any rational stretch of the imagination can accept vehicular travel at speeds in excess of 55," Peck says.

In the years since Congress enacted the national speed standard as a conservation measure during the Arab oil embargo of 1973-74, more and more motorists — with the acquiescence of police and politicians — have been ignoring it.

Federal law requires that states enforce the speed limit and certify that at least half their motorists comply with it.

Peck says he expects to receive a report soon that for the first time, one or two states have failed to meet those requirements. If that is the case, Washington could withhold from offending states up to 5 per cent of federal highway safety funding.

Peck says such sanctions could lead to a drive in Congress to overturn the 55-mph speed limit entirely. He says he hopes the issue would not come to a vote, noting that as part of the recently enacted 5-cent-a-gallon gas tax increase, Congress directed the National Academy of Sciences to conduct a one-year study of the benefits of the national speed limit.

2-8-81
EX

HOUSE HIGHWAYS AND TRANSPORTAION COMMITTEE

House Bill 606, Section 3:

This section only clarifies a conflicting ponit-of-law. The question has been asked: "Does a person commit a criminal misdemeanor when violating section 61-8-303, MCA (the 55 MPH conservation speed limit)?"

Some lawyers and justice's say no, other say maybe.

Facts:

> **61-8-104. Required obedience to traffic laws.** It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
> History: En. Sec. 23, Ch. 263, L. 1955; R.C.M. 1947, 32-2125.

> **61-8-711. Violation of chapter — penalty.** (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is declared to be a felony by this chapter or other law of this state.
> (2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than $10 or more than $100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, the person shall be punished by a fine of not less than $25 or more than $200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than $50 or more than $500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.
> (3) On failure of payment of a fine, the offender in case of a misdemeanor shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be computed upon the basis of one day's incarceration for each $2 of the fine.
> (4) Upon conviction, the court costs or any part thereof may be assessed against the defendant in the discretion of the court.
> History: En. Sec. 154, Ch. 263, L. 1955; R.C.M. 1947, 32-21-157; amd. Sec. 70, Ch. 421, L. 1979.

However, the traffic law, section 61-8-718, MCA, states:

> **61-8-718. Penalty for violation of conservation speed limit.** (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource currently in short supply and upon conviction shall be fined $5, and no jail sentence may be imposed. Bond for this offense shall be $5.
> (2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).
> History: En. 32-2144.6 by Sec. 6, Ch. 60, L. 1974; amd. Sec. 1, Ch. 248, L. 1974; amd. Sec. 1, Ch. 6, L. 1975; R.C.M. 1947, 32-2144.6(1); amd. Sec. 71, Ch. 421, L. 1979.

2-8-83
Ex
M. Koehnke
HB606

CHAPTER NO. 122

AN ACT TO ESTABLISH A FUEL CONSERVATION SPEED LIMIT OF 65 MILES PER HOUR; AMENDING SECTION 32-2144.1, R.C.M. 1947; REPEALING SECTIONS 32-2144.3 AND 32-2144.4, R.C.M. 1947; AND PROVIDING A CONTINGENT DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 32-2144.1, R.C.M. 1947, is amended to read as follows:

"32-2144.1. **Conservation speed limits — exception to the basic rule.** *To assist in the conservation of valuable and scarce motor fuel resources while providing for the safe and convenient flow of traffic, no person may operate a motor vehicle in excess of 65 miles per hour on a public highway in this state unless otherwise limited under 32-2144.* The speed limit imposed pursuant to this act is an exception to the basic rule requirements of section 32-2144 and a speed in excess of the speed limit established pursuant to this act is unlawful notwithstanding any provision of that section."

Section 2. **Repealer.** Sections 32-2144.3 and 32-2144.4, R.C.M. 1947, are repealed.

Section 3. **Effective date.** The governor may issue a declaration implementing the provisions of this act when such implementation will not jeopardize the state's continued eligibility to receive funds authorized by the Federal Highways Act. This act is effective upon the issuing of the declaration of implementation.

Approved March 25, 1977.

HOUSE BILL 606. REP. ZABROCKI gave a Subcommittee report to committee members and moved they adopt the recommendations to the bill. The motion was seconded by Rep. Keyser and given unanimous committee approval (exhibit).

REP. KEYSER moved the bill Do Pass as Amended. The motion was seconded by Rep. Brown. All members voted aye, with the exception of Rep. Underdal, who voted no.

HOUSE BILL 484. REP. KEYSER moved the bill be tabled. Rep. Brown seconded the motion, which was given unanimous committee approval.

HOUSE BILL 588. REP. HEMSTAD moved the bill Do Pass. Rep. Shontz seconded the motion, which was approved by all committee members except Representatives Keyser, Howe and Hammond, who voted no.

HOUSE BILL 17. REP. ZABROCKI moved the bill be taken off the table. The motion was seconded by Rep. Hemstad and approved by all members except Rep. Stobie, who voted no.

REP. HARP said the alternative fuels tax is necessary, as discussed in Taxation Committee this date.

REP. KEYSER moved the Committee adopt proposed amendments to the bill (exhibit). All members voted aye with the exception of Rep. Stobie, who voted no.

REP. HARP moved the bill Do Pass as Amended (gray copy of the bill). Rep. Stobie asked if there were any complaints with regard to the tax when the bill was heard in Highways Committee. Rep. Keyser told him only the compressed natural gas dealer from Great Falls opposed the bill.

REP. LYBECK asked if $80 would be a more reasonable figure and made a motion to insert "$80" on page 2, line 13 of the bill, striking "460". The motion was seconded by Rep. Harp and given unanimous committee approval.

REP. HARP moved the bill Do Pass as Amended. Rep. Stobie made a substitute motion to retable the bill.

CHAIRMAN ABRAMS asked if the Committee would prefer to delay executive action on the bill.

STANDING COMMITTEE REPORT

FEBRUARY 19 19 83

MR. SPEAKER:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 606

FIRST reading copy (WHITE color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT; LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304, 61-8-305, AND 61-8-712, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 606

Be amended as follows: (see page 2 of standing committee report)

DO PASS

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

Amendments for HB 606

1. Title, line 6
Following : line 5
Strike: line 6 through "PERSONNEL;"

2. Title, line 8
Folloiwng: "MCA;"
Insert: "REPEALING CHAPTER 122, LAWS OF 1977;"

3. Page 2, line 6, 7
Following: "61-8-309" on line 6
Strike: remainder of line 6 through "effective"on line 7

4. Page 2, lines 13 through 15
Strike: Subsection (3) in its entirety

5. Page 4, line 4
Following: line 3
Insert: "Section 4. Repealer. Chapter 122, Laws of 1977 is repealed."
Renumber: subsequent sections

AND AS AMENDED

DO PASS

ABRAMS
REP. HUBERT ~~ABRAMSSEN~~

Chairman.

STATE PUB. CO.
Helena, Mont.

1983 LEGISLATIVE SESSION

COMMITTEE ON Highways and Transportation

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB542	2/16/83	3/17/83	3/17/83				3/17/83		
HB545	2/12/83	2/14/83	REREFERRED TO ANOTHER COMMITTEE						
HB560	2/16/83	3/15/83	3/15/83				3/15/83		
HB574	2/11/83	3/1/83	2/22/83	REFERRED TO ANOTHER COMMITTEE					
HB588	2/16/83	3/15/83	3/15/83	REFERRED TO JUDICIARY					
HB606	2/16/83	3/10/83	3/15/83					3/15/83	
HB636	3/1/83	3/22/83	3/22/83				3/22/83		
HB698	3/1/83	3/22/83	3/24/83				3/24/83		

ACTION ON HOUSE BILL NO. 441: Senator Hager made the motion to adopt the proposed amendments to House Bill No. 441. The motion passed unanimously.

Senator Hager made the motion that House Bill No. 441, as amended, BE CONCURRED IN. The motion passed unanimously.

HOUSE BILL NO. 606: Hearing commenced on House Bill No. 606. The bill was introduced by Representative Koehnke. Representative Koehnke was not present to open the hearing. Gary Wicks, Department of Highways told the Committee they requested the legislation and he would be glad to explain the bill.

Gary Wicks, Department of Highways, told the committee they are in support of House Bill No. 606. The State Supreme Court threw out the 55 mile per hour speed limit and set the date of October 83, to give the Legislature time to consider this problem. The Highway Department is interested in getting the speed limit passed for the simple reason of preserving the highway funds that come to us from the federal government. We are dealing with the federal statute that says the Secretary of Transportation shall not approve any project in any state if the speed limit is in excess of 55 miles per hour. Some of us have read in the newspapers about the current Administrations dissatisfaction of this law. However, we have received a letter from the Secretary of Transportation in regard to this. He wants to impress upon us the need to get legislation passed on the 55 mile per hour speed limit. It is very important that the Legislature recognize that this is necessary for federal aid highway approval. If we do not pass this, it means the State of Montana will loose $100,000,000 a year at current federal funding rates. That would be equivalent to a 20¢ fuel tax. I don't think that is the kind of hardship we want to put on the people of Montana. The bill is slightly different than what was originally drafted, but we have no objection to the way it is written right now. This legislation does not change the fine, it leaves the 55 mile per hour in effect and stays in effect, only as long as required by the Federal Government.

Representative Koehnke apologized to the committee for being late. He had another hearing to testify at. Gary Wicks has probably explained it quite well to you. The bill is basically the same as it always has been. The fine is still $5 and it is self destructive. If the Federal Government should decide to not make us stick to the 55 mile per hour conservation fuel limit to get the $100,000,000, then it will go back to the basic rule.

Ben Havdahl, representing the Montana Motor Carriers, told the committee they have always had the policy in their

association for compliance with the 55 mile per hour speed limit. We support House Bill No. 606 that reinstates the speed limit. If you do not pass this, the truck speed limit would be reinstated at the prior speed limit of 65 miles per hour. There are many reasons why the speed limit should stay at 55 miles per hour. There are economic reasons of fuel savings and the most important problem of safety. As an industry, the truckers have been crucified as driving too fast. The existing speed limit fine of $5 is not a deterrant. Obviously that of speeding is another problem. We support this bill for economic and safety reasons.

Mike Koehnke told the committee he helped his father draft this bill. He handed each committee member an article, Exhibit 1, entitled: "California pushes faster speed limit", and read parts of it to the committee. He told the committee if Montana is allowed to raise the speed limit on certain roads at certain times, this bill would allow us to do that.

Colonel Landon, Highway Patrol, told the committee they are in support of House Bill No. 606. I don't want to detract from your passing this bill, but I do have a few comments on the fine. We are currently having a problem in meeting our compliance level. We are required by federal law to maintain 50% compliance with the 55 mile per hour conservation speed limit law. Under federal law the Secretary of Transportation can hold back funds if we do not have 50% compliance. My message to you is that we are on a fine line. We could have money withheld because of non-compliance of the speed limit. We could loose up to $10,000,000 a year by non-complaince. That is the aspect of this that the Highway Patrol is very concerned with. A $5.00 fine is not a tool that the Highway Patrol can use. People from adjoining states speed, as soon as they hit Montana, because they know there is only a $5.00 fine. It is not much of a deterrant. We need to have better tools to save $10,000,000 a year for the State of Montana.

Larry A. Tobiason, representing the Montana Automobile Association and the Montana Highway Users, that with a membership of 63,000 members, there is not a day that goes by that I don't get a call or letter from someone, usually from the eastern part of the state, about the 55 mile per hour speed limit. They don't like it. But, as long as there is a provision in the federal law that deals with the 55 mile per hour conservation fuel speed limit, our associations will support it. So, for the reason of getting the matching funds, we support this bill.

Senator Shaw asked to go on record as being an opponent to House Bill No. 606.

There were no further proponents and no opponents.

Senator Etchart opened the meeting for questions concerning House Bill No. 606.

Senator Shaw asked Col. Landon if he appreciated the fact that the Federal Government can intimidate us in this manner.

Col. Landon, Highway Patrol, replied they have a strong arm on us. He said you fellows at the Legislature set the policy and we just carry it out. I do know, if we don't obey, we have a chance of loosing big bucks for Montana.

Senator Shaw commented that the bible is pretty emphatic about lying. This is an out and out lie. Resources are in short supply. Does anybody want to address that.

Representative Koehnke told Senator Shaw he had different language in the bill regarding resources and fuel conservation, but it came out of the council this way. It must tie into what the federal law states.

Senator Etchart asked if there was any objection to amending it out of the bill.

Representative Koehnke said no, there was no objection.

Senator Graham asked Colonel Landon if he thought there was a fuel glut and if it would last for a long period of time, or did he think it was temporary.

Colonel Landon, Highway Patrol told the committee he thought it is a temporary measure. I think the source will be depleted and it is temporary.

Senator Hager stated the $5 fine is not much of a deterrant. During the last session we tried to raise that fine. This committee voted a "Do Pass" and we drew straws to see who would carry it on the floor of the Senate. I got stuck, and got four votes on the floor. You don't want to put me through that again, do you?

Colonel Landon had no reply.

Representative Koehnke, in closing said he would like to talk briefly on compliance. I think the reason the speed is going up is because of the Supreme Court ruling. Some of us thought we did not have to comply anymore. It is just recently that the speeds have gone up. As far as the trucks

are concerned. If they go past 65 miles per hour, they can be fined more, day or night. I call this my reluctant bill. I was reluctant to introduce it. The federal government is blackmailing us. But, its too big a gamble to loose $100,000,000. Most of us are law abiding people. In the original bill we had a section in there that delt with the highway patrol having all the jurisdiction. The house amended that out of the bill. In talking with my people, many of the local authorities do not have the time or money to play highway patrol. The house committee took that out and I will leave it to your wisdom to put it back into the bill.

ACTION ON HOUSE BILL NO. 606: Senator Shaw asked if he could put some amendments into the bill.

Senator Shaw would like to strike "currently in short supply", on Page 2, line 6. Also, I need to get this drafted into the bill, and wondered if Paul Verdon would prepare this for me. I would like to have a $35 fine over 75 miles per hour and a $35 fine over 65 miles per hour at night.

Paul Verdon said he would prepare this for the next meeting.

Colonel Landon commented he thought Senator Shaw was on the right tract.

Senator Graham asked if we did this would we be changing the intent of the bill.

Senator Daniels proposed an amendment to put the section back into the bill that the House Committee took out and to also delete the words "fuel conservation".

Page 2, line 15, 16, 17
Insert: (3) The enforcement of the ~~fuel-conservation~~ speed limit set under this section is limited to the jurisdiction of the state highway patrol."

Colonel Landon, Highway Patrol asked to address the committee regarding ths amendment. I would be concerned if you did this, as some sections of the State would have no enforcement because the Highway Patrol would not be there. We do not have Highway Patrolmen in five counties. Some of the Sherifs don't want to work trafic and other do. It is up to the Sherif. We will do what you want us to do, but there are five counties that will have no enforcement.

Gary Wicks asked to address the committee. The Highway Department also opposes this amendment. We recommend the bill the way it is written right now. There are no highway patrol officers in five counties. It seems to me this would be a mis-mash that would affect the highway department and

make it more difficult to achieve compliance under the federal law. We would not like to see it happen.

Senator Etchart commented we have Senator Daniels amendments. What is your pleasure.

Senator Daniels said there are some counties that are more concerned about picking up speeders, that might be going 60 miles per hour, then they are about enforcing the general law.

Senator Manning said that Colonel Landon would probably agree that in some counties the Sherif and the Highway Patrol get along fine and in others they don't.

Colonel Landon said there is a problem with some of the Sherif's in that they seem to think the Highway Patrol will develop into a State Police and take their jobs. But, generally we get along pretty good.

A roll call vote was taken on Senator Daniels amendment. The motion passed. See Exhibit 2 for vote.

Senator Etchart asked that we wait to take further action on House Bill No. 606 until Paul Verdon drafted the amendments of Senator Shaw into the bill.

ACTION ON HOUSE BILL NO. 437: Senator Elliott made the motion that House Bill No. 437 as amended BE CONCURRED IN.

Senator Hager said he had considered offering further amendments to House Bill No. 437, but after being informed there are no branch line railroads left anymore, he decided not to offer those amendments.

Senator Stimatz asked to be filled in as to what has happened on House Bill No. 437. The Secretary furnished him with a set of minutes and the committee took a few minutes break while he read them.

Senator Tveit gave a brief run down of what had happened during the hearing.

Senator Shaw said one of the main concerns by the Senior Citizens was the length. But I think, that a driver with an 80,000 pound truck is going to be going down the road a lot slower, a lot more careful and a lot more alert. That is my assumption and observation. We have got to pass this law. The trucker needs it, the people need it, and the consumer needs is the worst.

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1982~~ 1983 Date 3/10/83

NAME	PRESENT	ABSENT	EXCUSE
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓ late	✓	
Senator Graham	✓		
Senator D. Manning	✓		
Senator Stimatz	✓ late	✓	
Senator Daniels	✓		
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

SENATE Highways COMMITTEE

BILL _____ VISITORS' REGISTER DATE 3/10/83

Please note bill no. (check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Joe Matson	Great Falls High School	606	—	
Col. Rh. Landon	Highway Patrol	606	X	
Sandra Nutter	GFHS	606	—	
Dee a Bonsor	GFHS	606	—	
Mark O'Rourke	GFHS	606	/	
Jon Mahoney	GFHS	606		
Ben HANDAHL	Mont Motor Carriers Assoc	606	X	
" "	" " " "	441	X	
Mike KOEHNKE	self	606	X	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

SUMMARY OF HOUSE BILL NO. 441,
Introduced by Representative Abrams

This bill authorizes the Department of Highways to make agreements with an adjoining state or province for the collection of highway user fees, registration fees, permit fees, fuel taxes or other charges by either state or province. The bill also authorizes construction and joint operation of ports of entry at state borders.

This bill requires amendment on line 16, following "state", to insert "or province".

SUMMARY OF HOUSE BILL NO. 606,
Introduced by Representative Koehnke

This bill repeals Chapter 122, Laws of 1977, which authorized the Governor to proclaim a 65 mile per hour speed limit whenever such a limit would not jeopardize Montana's eligibility for federal-aid highway funds. The bill also amends the law allowing the Attorney General to proclaim speed limits conforming with federal law and sets the state speed limit at 55 miles per hour. This conservation speed limit will expire when it is no longer required by federal law as a condition to the state's continuing eligibility for federal-aid highway funds. The bill specifies that violation of the conservation speed limit is not a misdemeanor and continues the penalty at $5.

Prepared by Paul Verdon, Legislative Council

PV/cdf

Exhibit 1

Highway 3/10/83

Page 14

California pushes faster speed limit

55-mph exemptions sought

MICHAEL F. CONLAN
Newhouse News Service

WASHINGTON — The federal government will examine a proposal that would exempt some roads from the national 55-mph speed limit, which has been credited with saving thousands of lives and billions of gallons of fuel since its imposition nine years ago.

The Transportation Department will review a plan that now is being developed by California officials, according to Raymond Peck Jr., director of the National Highway Traffic Safety Administration.

Under the proposal as currently envisioned, a state would apply to the federal government for permission to raise the speed limit selectively on certain sections of highway or for certain types or traffic or, perhaps, at certain times of day. A state would make its case based on accident statistics and design specifications of the highway.

"There are roadways which by any rational stretch of the imagination can accept vehicular travel at speeds in excess of 55," Peck says.

In the years since Congress enacted the national speed standard as a conservation measure during the Arab oil embargo of 1973-74, more and more motorists — with the acquiescence of police and politicians — have been ignoring it.

Federal law requires that states enforce the speed limit and certify that at least half their motorists comply with it.

Peck says he expects to receive a report soon that for the first time, one or two states have failed to meet those requirements. If that is the case, Washington could withhold from offending states up to 5 per cent of federal highway safety funding.

Peck says such sanctions could lead to a drive in Congress to overturn the 55-mph speed limit entirely. He says he hopes the issue would not come to a vote, noting that as part of the recently enacted 5-cent-a-gallon gas tax increase, Congress directed the National Academy of Sciences to conduct a one-year study of the benefits of the national speed limit.

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Churches

Page 15 Highways 3/10/83

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 1708 • Helena, MT 59601

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March 10, 1983

MR. CHARIMAN AND MEMBERS OF THE SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE:

On behalf of the Montana Association of Churches, I am writing to express our support of HB 606 to establish the 55-mile-an-hour speed limit by legislative enactment.

We support the 55-mile-an-hour speed limit as one way of promoting traffic safety. It reduces the number and severity of accidents.

For your information, I am enclosing a copy of our position paper on Traffic Safety.

Sincerely,

Cathy Campbell

Cathy Campbell
Legislative Liaison

Exhibit 2

Page 16,

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

amendment to

Date 3/10/83 1983 Bill No. 606 Time

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman		✓
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham		✓
Senator D. Manning		✓
Senator Stimatz		✓
Senator Daniels	✓	
	(5)	(4)

Carol Doyle Frasier
Secretary

Senator Mark Etchart
Chairman

Motion: Daniels motion to reinstate page -2- lines 15, 16, 17, & strike "fuel conservation" on line 15.

Amend, Page 2, Line 15 = The enforcement of the speed limit set under this section is limited to the jurisdiction of the state

(include enough information on motion--put with yellow copy of committee report.) Highway Patrols

5 motion passed.

Senator Graham said he also agrees. I think we should send it to Judiciary.

Senator Daniels made the motion that House Bill No. 588 be rereferred to the Senate Judiciary Committee. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 560: Senator Elliott commented he did not see any problems with this bill. He asked if there are any sections of the law that handle non-payment of fines. Being that on Page 4, line 6, that this is a new section of the law, I just wonder.

Senator Daniels said he thought it is in a general statute. It does not do any harm. I don't think it makes much difference if it is in there or not.

Senator Shaw made the motion that House Bill No. 560 BE CONCURRED IN. The motion carried unanimously. Senator Shaw will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 606: Senator Shaw passed out copies of his proposed amendments. He read them to the committee:

1. Page 2, line 6.
Strike: "currently in short supply"

2. Page 3, line 22.
Strike: "currently in short supply"

3. Page 3, line 24.
Following: "$5."
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, in addition to any fine or jail sentence imposed under any other provision of this chapter, and bond for this offense shall be $35."

Senator Elliott made the motion to amend the amendments by Senator Shaw as follows:

3. Page 3, line 24.
following: $5.
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, ~~in addition to any fine or jail sentence imposed under any other provision of this chapter,~~ in lieu of the fine imposed under 61-8-304, and bond for this offense shall be $35."

Senator Hager said there is no fine under 61-8-304, that is the speed limit.

Senator Elliott said he thought it was there. He checked it, and said OK. I withdraw my amendment to Senator Shaw's amendment.

Senator Shaw asked Colonel Landon if he interprets it to mean $35 plus $5.

Colonel Landon said no, he did not.

Senator Elliott commented the Judge will be the one who will levy the fine, and how will he interpret it.

Senator Etchart asked Senator Shaw if he could just drop the last clause.

Senator Hager said that would take care of it.

Senator Shaw said he is willing to do that, as I still think they will have some latitude in dealing with the careless driver.

Paul Verdon told the committee they have to leave in the last sentence that is: "and bond for this offense shall be $35.".

Senator Elliott proposed a new amendment to Senator Shaw's amendment, which reads as follows:

3. Page 3, line 24.
Following: $5.
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, ~~in addition to any fine or jail sentence imposed under any other provision of this chapter,~~ in lieu of $5 fine, and bond for this offense shall be $35."

The committee adopted Senator Elliott's amendment to Senator Shaw's amendment unanimously.

Senator Shaw made the motion that the amended amendment be adopted. The motion carried unanimously.

Senator Shaw made the motion that House Bill No. 606, with Senator Daniels amendment that was adopted on March 10, and Senator Shaw's amendment, BE CONCURRED IN. The motion carried unanimously. Senator Shaw will carry on the floor of the Senate.

OTHER BUSINESS: Gary Wicks, Director of the Department of Highways, spoke to the Committee regarding what the Highway Department has done and is planning to do in the future. He spoke for about ten minutes, and answered questions regarding certain projects the Senator's were interested in.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:30 p.m.

Mark Etchart

Senator Mark Etchart,
Chairman
Highways & Transportation

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1982~~ 1983 Date 3/15/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓ Late	+	
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit		✓	
Senator Graham	late ✓	+	
Senator D. Manning	✓ late		
Senator Stimatz		✓	
Senator Daniels	✓		
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		
Senator Stephens	✓		
Senator Hazelbaker.	✓		

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/15/83 1983 Bill No. HB 666 Time

all Amendments

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit		
Senator Graham	✓	
Senator D. Manning	✓	
Senator Stimatz		
Senator Daniels	✓	

Carol Frasier
Carol Doyle Frasier
Secretary

Senator Mark Etchart
Chairman

Motion: See attached

Shaw made motion to adopt amendments.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 15 1983

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 606

KOEHNKE (SHAW)

Respectfully report as follows: That HOUSE Bill No. 606

third reading bill, be amended as follows:

1. Title, line 7.
Following: "PERSONNEL;"
Insert: "LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;"

2. Page 2, line 6.
Strike: "currently in short supply"

3. Page 2, following line 17.
Insert: "(3) The enforcement of the speed limit set under this section is limited to the jurisdiction of the state highway patrol."

4. Page 3, line 24.
Strike: "currently in short supply"

~~DO PASS~~

Continued on Page 2

Chairman.

STATE PUB. CO.
Helena, Mont.

4/6

Senate Committee on Highways & Transportation March 15 19 83
House Bill No. 606
Page 2

5. Page 3, line 24.
Following: "$5."
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35."

And, as so amended,
BE CONCURRED IN

Senator Mark Etchart Chairman.

STATE PUB. CO.
Helena, Mont.